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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/034,238	12/27/2001	Hans Johansson	15292.10	9106
22913	7590	11/14/2007		
WORKMAN NYDEGGER 60 EAST SOUTH TEMPLE 1000 EAGLE GATE TOWER SALT LAKE CITY, UT 84111			EXAMINER BOAKYE, ALEXANDER O	
			ART UNIT 2616	PAPER NUMBER
			MAIL DATE 11/14/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/034,238

Applicant(s)

JOHANSSON ET AL.

Examiner

ALEXANDER BOAKYE

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 31 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7, 17 and 19-21 is/are rejected.
- 7) ☒ Claim(s) 8 and 18 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 06/27/2007.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-6, 9-16 and 19-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Chang et al. (US Patent # 6,223,028).

Regarding claims 1 and 9, Chang teaches a method of a server (15, OTAF) in connection with transmission of packet data to a wireless communication station (13a-13e) via a wireless communication network (Fig. 1) the method comprising: transmitting, from the server (15,OTAF) to the wireless communication station (13a-13e), a request for the wireless communication station to identify its radio transferring capabilities (column 4, lines 24-34); receiving, at the server and from the wireless communication station, a response(protocol capability response message) to the request, the response identifying to the server the radio transferring capabilities of the wireless communications station (column 4, lines 32-34); and after the server receives the

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response, adapting, at the server (15, OTAF), information content of the message to be transmitted from the server to the wireless communication station, the information content being adapted based upon the radio transferring capabilities of the wireless communication station as identified in the response from the wireless communication station to the request (column 4, lines 32-39).

Regarding claim 2, Chang teaches that the adapting comprises adapting the information content with respect to the bandwidth of the radio transferring capabilities associated with the wireless communication station, thereby facilitating a smooth transfer of the adapted information content to the wireless communication station (column 6, line 44 - column 7, lines 1-20).

Regarding claims 3 and 13, Chang teaches that the request for information comprises a request for the wireless communication's static radio transferring capabilities (the claimed wireless communication's static radio transferring capabilities is inherent in the base station transceivers).

Regarding claims 4 and 14, Chang teaches wherein the adapting is based upon a radio access classmark of the wireless communication station received in the response (the claimed access classmark is inherent in the mobile station 13a-13e of Chang).

Regarding claims 5 and 15, Chang teaches the request for information comprises a request for the wireless communication station's dynamic radio capabilities currently are assigned to the wireless communication station (the claimed wireless

communication station's dynamic radio capabilities are inherent in the mobile stations 13a-13e of Chang).

Regarding claims 6 and 16, Chang teaches that the adapting is based upon a radio priority allocated to the wireless communication station and received in the response (the claimed radio priority is inherent in the mobile stations 13a-13e of Chang).

Regarding claim 10, Chang teaches a computer-readable medium storing computer-executable components for causing a server which is operatively connected to a wireless communication network (Fig. 1) to perform the acts when the computer-executable components are run on general purpose computer included by the server (column 4, lines 24-39).

Regarding claims 11 and 21, Chang teaches a server (15, OTAF) being operatively connected to a wireless communication network (10), the server including processing means (processor, Fig. 1), memory (system memory) and interface circuitry means (interface circuitry is inherent in the base station transceiver, 12) for performing the acts recited in claim 1.

Regarding claims 12 and 19, Chang teaches a method of wireless communication station (Fig.1) in connection with reception of packet data via a wireless communication network to which the wireless station (13a-13e) is operatively associated, the method comprising: receiving, from an originator (15, OTAF) of information, a request that the wireless communication station identify its radio transferring capabilities and respond (protocol capability response message) to the

originator of information a response (protocol capability response message) that includes the radio transferring capabilities of the wireless communication station (column 4, lines 24-34); and transmitting to the originator the response to the request, wherein information describing the radio transferring capabilities associated with the wireless communication station (30) is included in response (column 4, lines 30-34).

Regarding claim 20, Chang teaches a computer-readable medium storing computer-executable components for causing a wireless communication station which is operatively associated with a wireless communication network (Fig.1) to perform the acts recited in claim 12 when the computer-executable components are run on microprocessor included by the wireless communication station (column 4, lines 32-39).

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 7, 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chang et al. (US Patent # 6,223,028) as applied to claim 1 above, and in view of Harrenstien et al. (US Patent # 7,085,553).

Regarding claim 7, Chang teaches all the claimed limitations as previously discussed with respect to claim 1 above, but explicitly fails to disclose initiating

transmission of a short message to the wireless communication station using a short message service provided by the wireless communication network, wherein the request for information is provided to be included in the payload data of the short message.

However, Harrenstien reference figure 1 discloses initiating transmission of a short message to the wireless communication station using a short message service provided by the wireless communication network, wherein the request for information is provided to be included in the payload data of the short message (column 5, lines 28-32).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Harrenstien into the system of Chang, with motivation being that it provides capability for the system, from not keeping the mobile station engaged in the possible case of an incoming call.

Regarding claim 17, Chang teaches all the claimed limitations as previously discussed with respect to claim 12 above, but explicitly fails to disclose receiving a short message from a short message service provided by the wireless communication network, where the request for information is extracted from the payload data of the short message. However, Harrenstien reference figure 3 discloses receiving a short message from a short message service provided by the wireless communication network, where the request for information is extracted from the payload data of the short message (column 6, lines 47-57). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Harrenstien into the system of Chang, with motivation being that it provides capability

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for the system from not keeping the mobile station engaged in the possible case of an incoming call.

### ***Allowable Subject Matter***

3. Claims 8, 18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### **Conclusion**

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Wieczorek et al. (US Patent # 6,125,278) disclose a method for optimizing resource allocation based on subscriber transmission history.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alexander Boakye whose telephone number is (571) 272-3183. The examiner can normally be reached on M-F from 8:30am to 6:00pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi Pham, can be reached on (571) 272-3179. The Fax number is (571) 273-8300.



Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or PUBLIC PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Electronic Business Center (EBC)** numbers at 866-217-9197 and 703-305-3028.

Alexander Boakye

Patent Examiner  
**AB**  
11/06/07

  
CHI PHAM  
SUPERVISORY PATENT EXAMINER

11/9/07